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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

MICHAEL TRINIDAD YANEZ,

Defendant.

Case No: 1:23-CR-00152-NODJ-BAM

STIPULATION TO CONTINUE STATUS
CONFERENCE, TRIAL CONFIRMATION
HEARING, AND TRIAL DATE; ORDER

DATE: August 28, 2024
TIME: 1:00 p.m.
JUDGE: Hon. Barbara A. McAuliffe

THE PARTIES HEREBY STIPULATE, through their respective attorneys of record, Assistant United States Attorney Brittany M. Gunter, counsel for the government, and Ernest Scott Kinney, counsel for Michael Trinidad Yanez (“the defendant”), that this action’s 1) **status conference be continued from August 28, 2024, to Wednesday, November 13, 2024, at 1:00 pm**; 2) **the trial confirmation hearing be continued from October 21, 2024, to January 13, 2025, at 9:00 am**; and 3) **the trial date be continued from November 13, 2024, to February 4, 2025**. The parties likewise ask the Court to endorse this stipulation by way of formal order.

The parties base this stipulation on good cause. Specifically,

1. By previous order, this matter was set for a status conference on August 28, 2024, at 1:00 pm. ECF 34. At the request of the parties, the Court also set the case for trial on November

13, 2024, with a trial confirmation hearing on October 21, 2024. ECF 34.

2. Since setting this case for trial, defense counsel has had three other criminal cases set for trial in September and October 2024. At least one of these trials was set when one of defense counsel's other clients asserted his speedy trial rights. Defense counsel does not believe he will have sufficient time between now and the currently set trial date of November 13, 2024, to effectively prepare for trial related to the defendant in this case.
3. Defense counsel has set trials in other criminal cases to begin in April 2025 or later. Accordingly, defense counsel will be available and able to effectively prepare for trial in this case if set in early February 2025.
4. Given the request by the defense to continue the trial date, the parties request by this stipulation that the status conference be continued to October 9, 2024, at 1:00 p.m.
5. The parties also request that the trial confirmation hearing be continued to January 13, 2025, and that the trial be continued to February 4, 2025, to allow adequate time for defense investigation and trial preparation.
6. Defense counsel believes that failure to grant the above-requested continuance and time exclusion would deny him the reasonable time necessary for effective preparation, taking into account the exercise of due diligence.
7. The parties therefore stipulate that the period of time from November 13, 2024, through February 4, 2025, is excludable pursuant to 18 U.S.C. §§ 3161(h)(7)(A) and 3161(h)(7)(B)(i) and (iv) because it results from a continuance granted by the Court at the parties' request on the basis of the Court's finding that the ends of justice served by taking such action outweigh

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the best interest of the public and the defendant in a speedy trial.

IT IS SO STIPULATED.

Dated: August 21, 2024

PHILLIP A. TALBERT
United States Attorney

By: /s/ BRITTANY M. GUNTER
BRITTANY M. GUNTER
Assistant United States Attorney

Dated: August 21, 2024

By: /s/ ERNEST SCOTT KINNEY
ERNEST SCOTT KINNEY
Counsel for Defendant

ORDER

It is so ordered that the status conference is CONTINUED from August 28, 2024, to **November 13, 2024, at 1:00 p.m. in Courtroom 8 before Magistrate Judge Barbara A. McAuliffe**. It is further ordered that the jury trial currently set for November 13, 2024 is CONTINUED to **February 4, 2025 at 8:30 a.m. in Courtroom 5 before the District Court Judge**. Estimate time of trial is **3-4 days**. A trial confirmation currently set for October 21, 2024 is CONTINUED to **January 13, 2025, at 8:30 a.m. in Courtroom 5 before the District Court Judge**. Time is excluded through trial pursuant to 18 U.S.C. §§ 3161(h)(7)(A) and 3161(h)(7)(B)(i) and (iv).

The parties shall meet and confer and file a joint status report, not later than **November 8, 2024**, informing the Court of (1) whether the parties anticipate they will be ready to proceed to trial on February 4, 2025 as scheduled; (2) what kind of motions and the number of motions each party anticipates will need to be resolved in advance of trial (e.g., in limine, motion to dismiss, suppression, other motions), (3) a proposed briefing schedule for resolution of the motions in advance of trial, and (4)

any other information to aid the Court in keeping the trial date currently scheduled. Time under the Speedy Trial Act has already excluded through trial.

IT IS SO ORDERED.

Dated: August 21, 2024

/s/ Barbara A. McAuliffe
UNITED STATES MAGISTRATE JUDGE